Decision Notice

MC/23/2597

Gerry Cassidy
BPTW
40 Norman Road
Greenwich
London
SE10 9QX

Applicant Name:
Tay Arnold

Planning Service
Culture And Community
Regeneration, Culture & Environment
Transformation
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
01634 331700
01634 331195
Planning.representations@medway.gov.uk

Town and Country Planning Act 1990

Location: Land At Former Deangate Ridge Golf Club , Dux Court Road, Hoo, Rochester, ME3 8RZ

Proposal: Change of use from former golf course to community park comprising works to existing access and car park, cycle parking, formation of footpaths, landscaping, tree/scrub planting, boundary treatments, site interpretation and benches with associated works.

Notification of Grant of Planning Permission to Develop Land.

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS GRANTED PERMISSION for the development of land as described above in accordance with your application for planning permission received complete on 20 November 2023.

SUBJECT TO THE CONDITIONS SPECIFIED HEREUNDER:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 20 November 2023:
11511-LD-PLN-001 REV P02 - Site Location Plan
11511-LD-PLN-010 REV P01 - Illustrative MasterPlan
11511-LD-PLN-100 REV P02 - General Arrangement Plan (1 of 9)
11511-LD-PLN-101 REV P02 - General Arrangement Plan (2 of 9)
11511-LD-PLN-102 REV P02 - General Arrangement Plan (3 of 9)
11511-LD-PLN-103 REV P02 - General Arrangement Plan (4 of 9)
11511-LD-PLN-1024 REV P02 - General Arrangement Plan (5 of 9)
11511-LD-PLN-105 REV P02 - General Arrangement Plan (6 of 9)
11511-LD-PLN-106 REV P02 - General Arrangement Plan (7 of 9)
11511-LD-PLN-107 REV P02 - General Arrangement Plan (8 of 9)
11511-LD-PLN-108 REV P02 - General Arrangement Plan (9 of 9)
11511-LD-DET-600 P01 - Typical Details Fencing Gates
11511-LD-PLN-202 REV P02 - Proposed Site Sections

Received 22 January 2024:
11511-LD-DET-601REV P02 - Typical Details Site Furniture

Reason: For the avoidance of doubt and in the interests of proper planning.

3 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

i. a timetable for its implementation, and

ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 167 of the NPPF.

4 No development shall take place until an Air Quality Emissions Mitigation Assessment and Statement has been submitted to and approved in writing by the Local Planning Authority. The Mitigation Assessment and Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance, and shall specify the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost value calculated as part of the Air Quality Mitigation Assessment. The Mitigation Statement shall include full details of all mitigation to provided. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved details.

Reason: Required prior to commencement of development to ensure the development does not prejudice conditions of amenity by way of poor air quality in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

5 Within three months of commencement of works, a Landscape and Ecological Management and Monitoring Plan (LEMMP) will be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMMP will be based on the information submitted within the Landscape Management and Maintenance Plan, LUC, November 2023, and will include the following:

- Description and evaluation of features to be managed;
- Constraints on site that might influence management;
- Aims and objectives of management, in alignment with the Biodiversity Net Gain habitat type and condition targets;
- Details and locations of additional biodiversity enhancements to be provided for priority and red/amber list bird species, bats, reptiles, and invertebrates;
- Appropriate management prescriptions for achieving aims and objectives;
- Information regarding remedial measures (such as additional fencing of ponds, scrub and/or woodland areas to alleviate recreation impacts);
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period, for the operational lifetime of the site);
- Details of the body or organisation responsible for implementation of the plan;
- Details of proposed methodology and timings for a long-term monitoring program for all habitats (in accordance with the BNG targets), protected plant species, breeding birds, great crested newt (GCN), invertebrates, reptiles and bats.
- Timetable for implementation.

Methodologies included in the LEMMP shall be designed to enable meaningful comparison with the baseline survey data (within the Landscape Management and Maintenance Plan, LUC, November 2023). Habitat monitoring locations will include fixed point photographs to evidence habitat creation/enhancement. Habitat and species survey reports (in years where these are undertaken),

including details of any proposed remedial measures, will be submitted to the Local Planning Authority for written approval in years 2, 5, 10, 15, 20 and 30.

The LEMMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer, with details of the management body(ies) responsible for its delivery and future management. The approved plan will be implemented in accordance with the approved details in accordance with the timetable approved.

Reason: To ensure that the development is suitable for its location and in respect to the close relationship to the SSSI site in the vicinity in accordance with Policies BNE35, BNE37 and BNE39 of the Medway Local Plan 2003 and paragraph 180 of the National Planning Policy Framework 2021.

6 Prior to the commencement of works (including site clearance), a biodiversity method statement shall be submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:

- Purpose and objectives for the proposed habitat and species mitigation works;
- Extent and location of proposed construction and mitigation works shown on appropriate scale maps and plans;
- The identification of biodiversity protection zones and any proposed use of protective fences, exclusion barriers and warning signs;
- An update site survey within 3 months prior to commencement to (a) confirm that the condition/management of the onsite habitats is consistent with that recorded during the ecological assessment, such that the potential for protected species to occur has not changed, and (b) identify any additional badger setts. Should new setts be identified, all required surveys and mitigation/licensing will be implemented prior to works being undertaken in the vicinity of the sett/s;
- Precautionary mitigation measures to be implemented during vegetation clearance and landscaping works to protect ancient and priority habitat woodland, ponds, protected plant species, and protected species such as breeding birds (including ground-nesting species), badger and reptiles;
- A Non-Licensed Method Statement for great crested newt;
- Reference to the arboricultural method statement to protect retained trees and hedgerows;
- Precautionary methods to avoid capture of animals within open trenches and use of temporarily stored materials as refugia;
- A methodology for preliminary ground level roost assessment of trees for bats followed by close-inspection, presence/likely absence surveys and mitigation (as required) regarding any trees which require removal or pruning. Where roosting bats are confirmed, all mitigation and licensing will be approved by Natural England and implemented prior to the relevant tree works being undertaken;

- A detailed timetable for implementation of all proposed mitigation, demonstrating that works are aligned with the proposed timing/phasing of construction;
- Procedure to be followed should a protected species be found within the construction area during works;
- Persons responsible for implementing the mitigation works, including times during construction when specialist ecologists need to be present on site to undertake/oversee works and/or to provide Toolbox Talks;
- Initial aftercare and long-term maintenance of mitigation measures (such as temporary fencing), and;
- Disposal of any wastes from implementing work.

The works shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the development is suitable for its location and in respect to the close relationship to the SSSI sites in the vicinity in accordance with Policies BNE35, BNE37 and BNE39 of the Medway Local Plan 2003 and paragraph 180 of the National Planning Policy Framework 2021.

7 Notwithstanding the submitted details, prior to the commencement of work on site full details of soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not limited to existing and proposed levels, detailed planting plans & planting specifications, tree pit details (including soil build-up, tree cells, supports & accessories). Tthe supply, planting and maintenance of new trees through to independence in the landscape shall be compliant with guidance and recommendations contained in British Standard 8545:2014 'Trees: from nursery to independence in the landscape - Recommendations').

The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

8 Prior to the bringing into use of the community park herein approved, a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

9 No development shall commence and no equipment, machinery or materials shall be brought on to the site for the purposes of the development until an Arboricultural Method Statement and the Tree Protection Measures have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be installed prior to the development commencing and shall be maintained until all equipment, machinery and surplus waste or materials have been removed from the site.

Reason: To ensure no irreversible detrimental harm to the existing trees and to protect and enhance the appearance and character of the site and locality and ecological benefits of this habitat and green network, in accordance with Policies BNE35, BNE37 and BNE43 of the Medway Local Plan 2003.

10 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to BNE2 of the Medway Local Plan 2003.

11 No development shall take place until the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority has been secured so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be carried out in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

12 No external lighting shall be installed without prior approval of the Local Planning Authority.

Reason: In order to limit the impact of the lighting on the surrounding landscape and wildlife and with regard to Policies BNE1, BNE5, BNE25, BNE34 and BNE39 of the Medway Local Plan 2003.

13 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

14 No part of the development shall be occupied until vehicle parking privions have been submitted to and approved in writing by the Local Planning Authority. The parking spaces as approved shall be retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities to reduce the likelihood of roadside parking which would be detrimental to the free flow of traffic and to highway safety.

15 No part of the development shall be occupied until details of cycle storage facilities (including the provision of individual lockers) have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details.

Reason: to ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

16 No part of the development shall be occupied until the refuse bin storage area have been provided in accordance with the approved drawing. These facilities shall always be kept available for use in association with the development.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development.

Your attention is drawn to the following informative(s) :-

1 The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations, To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control

Partnership at Foord Annex, Eastgate House, High Street, Rochester, Kent ME1 1EW

2 In accordance with paragraph 38 of the NPPF Medway Council takes a positive, proactive and creative approach to development proposals focused on solutions. Medway Council works with applicants/agents in a positive, proactive and creative and manner by:

Offering a pre-application advice service;
Updating applicants/agents of any issues that may arise in the processing of their application;
Where possible suggesting solutions; and
Informing applicants/agents of any likely recommendation of refusal prior to a decision.

In this instance, the applicant/agent was provided with pre-application advice.

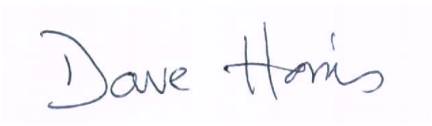
3 Natural England has published Standing Advice. Links to standing advice are in Annex A:

If after using these tools, you consider there are significant risks to statutory nature conservation sites or protected
landscapes, please set out the specific areas on which you require Natural England's advice.

Further information on LPA duties relating to protected sites and areas is here- Protected sites and areas: how to
review planning applications - GOV.UK (www.gov.uk)

Further guidance is also set out in Planning Practice Guidance on the natural environment Natural environment -
GOV.UK (www.gov.uk) and on Habitats Regulations Assessment Appropriate assessment - GOV.UK (www.gov.uk)

4 This decision takes into consideration Application Form, Cover Letter, Air Quality Assessment, Arboricultural Impact Assessment, Bioiversity Net Gain and Ecological Enhancement, Climate Change and Enerfy Efficiency Statement, Contaminated Land Assessment, Ecological Impact Assessment, EIA Appendix 1-9, Environmental Screening Report, Planning Statement, Statement of Community Involvement and Appendices 1 and 2, Transport Assessment, Utility Records Search (two parts), Detailed Unexploded Ordance Risk Assessment, 30 Year Landscape Management and Maintance Plan, Design and Access Statement (two parts), Flood Risk Assessment, Historic Environment Assessment, Parkland and Open Space Assessment, Habitat Regulations Assessment and Drawing Numbers 11511-LD-PLN-002 REVP02, 11511-LD-PLN-201 REV P02 recieved 20 November 2023.



David Harris
Chief Planning Officer
Date of Notice 16 February 2024

TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS) (ENGLAND) (AMENDMENT) (REGULATIONS 2013)

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications.**

- However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
  - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
  - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
- Appeals must be made to the Planning Inspectorate and this can be done electronically via the GOV.UK website: https://www.gov.uk/appeal-planning-decision. If you are unable to appeal online, you can obtain a paper form from the Planning Inspectorate by contacting their Customer Support Team on 0303 444 5000.

Commercial Appeals Service

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

All other Minor and Major Applications

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notes

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.